

HUMAN RESOURCES MEMORANDUM 20-020		DATE ISSUED: 07/27/2020
SUBJECT: PERSONAL LEAVE PROGRAM 2020		REFERENCE: CalHR 2113
TO: All DGS Employees		SUPERCEDES: None

PLEASE ENSURE THAT THIS INFORMATION IS SHARED WITH YOUR EMPLOYEES

Purpose

The purpose of this memorandum is to provide information on the provisions of the Personal Leave Program 2020 (PLP 2020) for employees in Bargaining Units (BU) 1, 2, 4, 7, 10, 11, 14, 15 and 17, as ratified by the union, and excluded and non-statutory exempt employees.

Background

PLP was established July 1, 1992, to achieve savings in employee salary costs during a fiscal crisis. In 2003, 2010, and 2012, PLP was reinitiated to assist in achieving budget savings to improve the state's ability to meet its financial obligations. Executive Order S-15-10 was issued implementing various aspects of PLP, but the program was subject to change through collective bargaining which affected the start and end dates of each implementation.

Employees not Subject to PLP 2020

The following employees are not subject to PLP 2020:

- Retired Annuitants appointed under Government Code sections 19144, 21154, 21223, 21224, 21225 and 21227.
- Collective Bargaining Identifier (CBID) E-Designated Classes.
- Seasonal (with the exception of seasonal Fire Fighter I and Fire Lookout) and temporary employees.
- Service Employees International Union (SEIU) employees who are not eligible for state-sponsored health benefits.
- Excluded employees within the Legislative Counsel Bureau and the Bureau of State Audits.
- Receiver's Career Executive Assignment (CEA) class codes 8200, 8216, 8239 and 8241.

Service Employees International Union (SEIU) – BUs 1, 4, 11, 14, 15, and 17

Effective July 1, 2020, rank-and-file employees in BUs 1, 4, 11, 14, 15, and 17 shall be subject to PLP 2020 from the July 2020 through June 2022 pay periods in the manner outlined below:

- Each full-time employee will continue to work their assigned work schedule and shall receive a 9.23 percent reduction in pay in exchange for 16 hours PLP 2020 leave credits.

- Each part-time employee shall be subject to the same conditions as full-time employees, on a prorated basis equivalent with their time base.
- Each intermittent employee's PLP 2020 credit shall be prorated based on the number of hours worked in the monthly pay period.
- Permanent Intermittent and Special School employees who are subject to the State Special Schools 10-month compensation agreement shall be subject to the proration of salary and PLP 2020 credits.

The following provisions will apply:

- Employees will be given maximum discretion to use PLP 2020 subject to severe operational considerations.
 - Where feasible, PLP 2020 should be used in the pay period it was earned.
 - PLP 2020 must be used before any other leave with the exception of sick leave and Professional Development Days.
 - Employees may elect to use PLP in lieu of approved sick leave.
 - Requests for use of PLP 2020 leave must be submitted in accordance with departmental policies on vacation/annual leave.
 - When an employee has requested to use PLP 2020, and the request is denied on two separate, consecutive occasions, the employee's third request for PLP 2020 shall be approved subject to severe operational considerations that make granting the request a health or safety risk.
- PLP 2020 accruals do not expire.
- PLP 2020 may be cashed out upon separation from state service.
- PLP 2020 leave shall not be considered as "time worked" for overtime purposes except when an employee is mandated to work overtime or has been redirected and is mandated to work overtime to process unemployment claims in the same week in which they use approved leave then that approved leave will be considered hours worked for purposes of calculating overtime.
- Employees on SDI, NDI, ENDI, IDL, EIDL, or Workers' Compensation for the entire monthly pay period shall be excluded from the PLP 2020 for that month.
- Effective July 1, 2020, no SEIU Local 1000 represented employee shall make less than \$15/hour as a result of the implementation of PLP 2020.
- Permanent Intermittent employees who do not meet the required minimum of 480 paid hours in a control period (January through June and July through December) or 960 paid hours in two consecutive control periods for health benefit eligibility, will not be subject to PLP 2020 and will not receive the \$260 pay differential for the ineligible period.

During the period of January 1-15 and July 1-15 of each year, departments must verify each permanent intermittent employee's preceding control period hours to ensure health benefit eligibility is met. Any necessary changes to the employee's employment history are effective February 1st or August 1st, based upon the end of the control period ending June 30th or December 31st (i.e., adding or removing the pay differential).

- Continuation of the Voluntary PLP (VPLP) during the duration of PLP 2020 shall be at the discretion of the employee. If the employee elects to alter their participation in

VPLP, they shall be allowed to opt out or change at any time during the PLP 2020 program.

California Attorneys, Administrative Law Judges and Hearing Officers (CASE) – BU 2

Effective July 1, 2020, rank-and-file employees in BU 2 shall be subject to PLP 2020 from the July 2020 through June 2022 pay periods in the manner outlined below:

- Each full-time employee shall continue to work their assigned work schedule and shall have a 9.23 percent reduction in pay in exchange for 16 hours of PLP 2020 leave credits.
- Each part-time employee shall be subject to the same conditions as full-time employees, on a prorated basis equivalent with their time base.
- Each intermittent employee's PLP 2020 credit shall be prorated based on the number of hours worked in the monthly pay period.

The following provisions will apply:

- PLP 2020 shall have no cash value and may not be cashed out except upon separation from employment.
- Employees will be given discretion to use PLP 2020 subject to operational considerations.
 - Where feasible, employees should use the leave in the pay period it was earned, and it should be used before any other leave.
 - Employees may elect to use PLP 2020 in lieu of approved sick leave.
 - PLP 2020 shall be requested and used by the employee in the same manner as vacation/annual leave.
 - Requests for use of PLP 2020 leave must be submitted in accordance with the departmental policies on vacation/annual leave.
 - The hours earned under PLP 2020 shall not have an expiration date.
- All leave earned under PLP 2020 should be used prior to voluntary separation. Appointing powers may schedule employees to take PLP 2020 time off to meet the intent of the Side Letter agreement.
- Time during which an employee is excused from work because of PLP 2020 leave shall not be considered as "time worked" for purposes of determining the number of hours in a work week for the purposes of overtime.
- PLP 2020 shall neither affect the employee's final compensation used in calculating State retirement benefits; nor reduce the level of State death or disability benefits to supplement those benefits with paid leave; nor affect the rate at which accrued leave is paid upon separation.
- Employees on SDI, NDI, ENDI, IDL, EIDL, or Workers' Compensation (Labor Code Section 4800.5 benefits and TD benefits) for the entire monthly pay period shall be excluded from PLP 2020 for that month.

California Statewide Law Enforcement Association (CSLEA) – BU 7

Effective July 1, 2020, rank-and-file employees in BU 7 shall be subject to PLP 2020 from the July 2020 through June 2022 pay periods in the manner outlined below:

- Each full-time employee will continue to work their assigned work schedule and shall have a 9.23 percent reduction in pay in exchange for 16 hours of PLP 2020 leave credits.
- Each part-time employee shall be subject to the same conditions as full-time employees, on a prorated basis equivalent with their time-base.
- Each intermittent employee's PLP 20120 credit shall be prorated based on the number of hours worked in the monthly pay period.

The following provisions will apply:

- Employees will be given maximum discretion to use PLP 2020 subject to operational considerations.
 - Where feasible, PLP 2020 should be used in the pay period it was earned.
 - PLP 2020 must be used before any other leave with the exception of sick leave.
 - Employees may elect to use PLP 2020 in lieu of approved sick leave.
 - PLP 2020 must be requested and used by the employee in the same manner as vacation/annual leave.
 - Requests for use of PLP 2020 must be submitted in accordance with the departmental policy on vacation/annual leave.
- PLP 2020 may be cashed out upon separation from state service.
- Except as provided in Article 7.6N of the MOU, PLP 2020 leave shall not be considered as "time worked" for purposes of determining the number or hours worked in a work week.
- The employee's normal salary rate will be used for purposes of calculating overtime, pay differentials and leave cash-out.
- Effective July 1, 2020, no CSLEA represented employee shall make less than \$15/hour as a result of the implementation of PLP 2020.
- Employees on SDI, NDI, ENDI, IDL, EIDL, or Workers' Compensation for the entire monthly pay period shall be excluded from the PLP 2020 for that month.

Excluded and Exempt Employees

Effective July 1, 2020, most excluded and exempt employees shall be subject to PLP 2020 from the July 2020 through June 2021 pay periods in the manner outlined below:

- Most full-time employees will continue to work their assigned work schedule and shall have a 9.23 percent reduction in pay in exchange for up to 16 hours of PLP 2020 from the July 2020 through June 2021 pay periods.
- CEA employees tied to BU 6, 7 and 8 will receive a reduction in pay in exchange for PLP 2020 leave credits consistent with the associated BU.
- Part-time employees will receive PLP 2020 on a prorated basis equivalent with their time-base.
- Intermittent employees will be prorated based on the number of hours worked in the pay period.

PLP 2020 leave shall be administered in the same manner as other leave.

Employees should use PLP 2020 hours in the same pay period they are earned. Management should use discretion considering operational needs when approving time off. Employees are required to use PLP 2020, 2012, 2010 and furlough hours prior to using other leave with the exception of sick leave. Departments must monitor the use of employees' leave each pay period to ensure these provisions are met.

PLP 2020, 2012, 2010 and furlough hours shall be used prior to voluntary separation. In instances where an employee's separation date is scheduled in advance or at the employer's discretion, such as layoff or termination, departments must require employees to use all unused PLP and furlough hours. In rare instances when the separation is unforeseen, the leave may be cashed out upon separation.

Additional Information

Statutory Exempt Employees

Effective July 1, 2020, the majority of statutory exempt employees shall have their salary reduced by the equivalent of two days per month during the period the PLP 2020 is in effect. Statutory exempt employees will not earn PLP leave credits.

Lump-Sum Payments

In rare instances when an employee cannot use their PLP 2020, 2012, 2010 or furlough hours prior to separation, the leave may be cashed out. Lump-sum payments shall be paid based on the employee's unreduced salary without a personal leave reduction. PLP 2020, 2012, 2010 and furlough leave credits accrued prior to the employee's separation date are not included in the lump sum projection.

Intermittent and Actual Time Worked (ATW) Qualifying Service

Intermittent and ATW employees shall have PLP 2020 leave count toward their 1,500 hours and 189 days as of the time of the salary reduction. When an employee takes PLP 2020 time off, those hours shall not count towards their 1,500 hours and 189 days of work.

Administration of PLP 2020

PLP 2020 shall be administered consistent with the existing payroll system and the policies and practices of the State Controller's Office.

Full-time and part-time employees shall have their PLP 2020 credited on the first day of each pay period for the duration of the PLP 2020 Program. Intermittent employees will have PLP 2020 credited based on the number of hours worked during the pay period.

Part-time and intermittent employees shall refer to the [accrual chart](#) to compute their PLP 2020 credit.

Reporting PLP 2020 in the Project Accounting & Leave (PAL) System

The Global Leave Alias list has been updated to reflect the [PLP 2020 aliases](#) and are ready to use in PAL. PLP 2020 can be utilized in 15-minute increments.

Questions

If employees have questions not addressed in this memorandum, they are encouraged to contact their supervisor/manager and/or employee representative as appropriate.

AMY APLEGATE, Personnel Officer
Office of Human Resources

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